

UNDERSTANDING REDISTRICTING

What is Redistricting?

Most of our elected political representatives are sorted into voting districts. Redrawing the boundary lines for these districts is called redistricting. Redistricting takes place every ten years, using updated decennial U.S. Census counts. Updated demographic and population counts are used to adjust existing or create new district boundaries, aiming for roughly equal distribution of the population.

How Does Redistricting Affect Me?

The way district lines are drawn may include or exclude certain people, affecting who gets heard, whose interests are represented, and who can win the next election. When politicians control redistricting, it can become a way for them to pick their preferred voters and secure their own power.

What is Gerrymandering?

Gerrymandering is the deliberate drawing of districts in a way that maximizes the power of politicians. Gerrymandering may result in oddly-shaped districts designed to greatly increase or decrease a certain kind of voter (e.g., Black voters or Republican voters). Racial gerrymandering places voters in districts based on race. Partisan gerrymandering places voters in districts based on which party they have historically voted for, with a similar intent of reducing competition and benefiting one party.

How Can We Improve the Redistricting Process?

At Democracy North Carolina, we believe redistricting should be a fair and transparent process that:

- protects voters of color by drawing districts that reflect the requirements of the Voting Rights Act and the Equal Protection Clause of the 14th Amendment;
- includes public comment and invites robust debate from community members, academics, and other stakeholders, and incorporates that feedback in the creation of districts; and
- eliminates partisan or racial gerrymandering of voting districts.

Recent Redistricting History

Congressional Districts. In 2016, the U.S. Supreme Court found that North Carolina's 1st and 12th Congressional districts were illegal racial gerrymanders, requiring the N.C. Legislature to draw new districts. But those new legislatively-drawn maps, used by voters in 2016, were then challenged as partisan gerrymanders in *Common Cause v. Rucho*.

In January 2018, a federal court ruled in favor of the *Common Cause v. Rucho* plaintiffs and ordered the legislature to draw new districts. But the U.S. Supreme Court stayed (stopped) that order, so it could hear similar cases from Maryland and Wisconsin. Unfortunately, the Court refused to set a standard for measuring the legality of a partisan gerrymander and *Common Cause v. Rucho* was sent back to the lower court for reconsideration.

In August 2018, the federal court again found N.C.'s Congressional district maps to be an unconstitutional partisan gerrymander. In June 2019, a 5-4 majority of the U.S. Supreme Court once again refused to put limits on partisan gerrymandering. This time, the court held that partisan redistricting is a political question that federal courts cannot decide and deferred to state-level action.

In late September 2019, a new lawsuit (*Harper v. Lewis*) challenging North Carolina's congressional districts was filed in state court. The suit alleged that the General Assembly created a partisan gerrymander when it drew districts in 2016. In October 2019, a three-judge panel ruled that the Congressional districts, which were skewed in Republicans' favor, likely violated the North Carolina Constitution and could not be used in the 2020 election. N.C. legislators redrew new districts in late November 2019. In December 2019, the court approved the newly-drawn districts for use in 2020.

State Legislative Districts. In 2018, N.C. voters elected state legislators from new districts, redrawn in response to a 2017 U.S. Supreme Court decision in *Covington v. North Carolina*. In *Covington*, a federal court found that 29 N.C. legislative districts were illegal racial gerrymanders. When the N.C. Legislature redrew the maps to comply with *Covington*, they also redrew districts in Wake and Mecklenburg counties that did not need to be altered, violating the N.C. Constitution's prohibition on mid-decade redistricting.

In 2018, Democracy NC, NAACP, the League of Women Voters, A. Philip Randolph Institute, and individual plaintiffs challenged the four Wake County legislative districts in a new state court case, *NAACP v. Lewis*. In November 2018, the courts agreed with plaintiffs that those four districts violated the North Carolina Constitution, and the legislature subsequently redrew these maps.

Unfortunately, following the *Covington* decision, the legislature still drew the 2017 legislative maps in ways that favored one party's voters. As a result, in November 2018, Common Cause, the N.C. Democratic Party, and a group of individual voters, filed another lawsuit, *Common Cause v. Lewis*, which challenged those statewide legislative districts as partisan gerrymanders that violate the N.C. constitution. On September 3, 2019, the court held that the maps did violate the state constitution and may not be used in the 2020 elections. The three-judge panel in Wake County Superior Court gave lawmakers until September 18, 2019 to enact new district lines for the 2020 elections. N.C. legislators redrew new districts in late September. In October 2019, the court approved the newly-drawn legislative districts for use in 2020.

2021 Redistricting Criteria

The N.C. Legislature are considering the following criteria to guide the map making process:

- **Equal Population.** The Committees will use the 2020 federal decennial census data as the sole basis of population for the establishment of districts in the 2021 Congressional, House and Senate plans. The number of persons in each legislative district shall be within plus or minus 5 percent of the ideal district population, as determined under the most recent federal decennial census. The number of persons in each congressional district shall be as nearly as equal as practicable, as determined under the most recent federal decennial census.
- **Contiguity.** Legislative and congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient.

- **Counties, Groupings and Traversals.** The Committees shall draw legislative districts within county groupings. Division of counties in the 2021 Congressional plan shall only be made for reasons of equalizing population and consideration of double bunking. If a county is of sufficient population size to contain an entire congressional district within the county's boundaries, the Committees shall construct a district entirely within that county.
- **Racial Data.** Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2021 Congressional, House and Senate plans.
- **Voting districts.** Voting districts should be split only when necessary.
- **Compactness.** The Committees shall make reasonable efforts to draw legislative districts in the 2021 Congressional, House and Senate plans that are compact.
- **Municipal Boundaries.** The Committees may consider municipal boundaries when drawing districts in the 2021 Congressional, House and Senate plans.
- **Election Data.** Partisan considerations and election results data *shall not* be used in the drawing of districts in the 2021 Congressional, House and Senate plans.
- **Member Residence.** Member residence may be considered in the formation of legislative and congressional districts.
- **Community Consideration.** So long as a plan complies with the foregoing criteria, local knowledge of the character of communities and connections between communities may be considered in the formation of legislative and congressional districts.

2021 Redistricting Public Hearings

At the time of writing, 13 public hearings are scheduled for the N.C. Legislature to receive input from community members regarding the redistricting process. These hearings will be held in September 2021 in various counties across the state. There is currently no live stream nor an option to attend the hearings virtually. The N.C. Legislature currently has no plans for holding additional public hearings after draft maps are released to the public.